

Special TUE NOV - 8 1994 trees are no more

By Danielle Cass

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OAKLAND — When Muriel Varney's home in the Oakland Hills burned down in 1970, she rebuilt it and planted a grove of 10 redwood trees.

Varney and her three daughters later dedicated the redwood grove to her husband, Frank, who died in a plane crash in 1956. They had a memorial ceremony, buried mementos in the grove and called it Frank Varney's grave.

The 1991 East Bay hills firestorm destroyed the house and damaged the grove, but the trees returned to a height of 12 feet in three years with Varney's careful nurturing.

Muriel Varney died in June.

On Sept. 20, the man who owns the property next door tore out the redwood grove with a crane. The redwoods' height would have blocked the view from the house he planned to build, according to a suit filed Friday in Alameda County Superior Court.

Crushed by the loss of their father's memorial grove and their mother's death, the Varney daughters, Marilyn Siden, Nancy Adamson and Helen Rubardt, sued David Stark Wilson, the Emeryville contractor who owns the adjacent property.

Wilson could not be reached at his office Monday afternoon.

Before the trees were uprooted, Wilson had twice tried to persuade the sisters to sell him all or part of the property, the suit stated.

The sisters are distraught, said their attorney, William Berland.

"Even if they can plant new trees, they're not the trees that were given as a gift," he said.